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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,314	11/25/2003	Aaron Francis Snyder	ABUT-0002/B020110	7053
23361	7550	03/19/2008		
ABB INC. LEGAL DEPARTMENT-4U6 29801 EUCLID AVENUE WICKLIFFE, OH 44092			EXAMINER HAIDER, FAWAAD	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 03/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,314

Applicant(s)

SNYDER ET AL.

Examiner

FAWAAD HAIDER

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dvorak et al (7,092,929) in view of Huang et al (5,953,707).

Re Claim 1: Dvorak discloses receiving and entering a customer purchase order for a product (see Summary, Figures 3-4); scheduling said order and requesting the materials necessary to manufacture said products associated with said order (see Figure 44, col.64, lines 38-41, col.70, lines 29-46); manufacturing and shipping said product to said customer facility (see Figure 23, col.18, lines 32-34, col.29, lines 40-44, col.34, lines 9-14); However, Dvorak fails to disclose monitoring the customer inventory relative to a threshold value. Huang discloses monitoring customer inventory by a vendor of said product to determine if said customer inventory is below a threshold value, wherein said monitoring customer inventory includes monitoring customer testing, deployment and installation of units of said product after shipping said product to said customer facility (see col.7, line 22, Figure 9). If said customer inventory is below said threshold value, Huang discloses sending a request to said customer facility for the

issuance of a customer purchase order for additional units of said product to maintain said customer inventory above said threshold level (see col.14, lines 55-58, col.15, lines 34-37, col.58, lines 15-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dvorak with Huang's disclosure of a threshold value in order to "maximize the equipment availability and minimize the repair costs (see col.14, lines 58-60)."

Re Claim 2: Dvorak discloses said scheduling said order and requesting materials to complete said order further comprising forecasting future needs on a per customer, per product basis (see Figures 1, 4-6, 30, 32, 44, Summary).

Re Claim 3: Dvorak discloses wherein said forecasting is performed using one of a time series analysis with moving averages, regression analysis, and lifecycle models (see Figures 1, 49, 54, col.4, lines 29-41, col.6, lines 25-40).

Re Claim 4: Dvorak discloses further comprising overriding said forecasting in accordance with known events (see col.26, lines 19-22).

Re Claim 5: Dvorak discloses wherein said forecasting is performed as collaborative forecasting, wherein collaborative forecasting comprises collecting and reconciling information from multiple sources inside and outside said vendor to derive a single unified statement of demand (see col.4, lines 29-41,).

Re Claim 6: Dvorak discloses further comprising forecasting customer needs in accordance with historical data to determine a forecast and replenishing customer inventory using said forecast (see Figures 9A, 9B, 10A, 10C, 11, col.5, lines 57-60).

Re Claim 7: Dvorak discloses further comprising sending a request for said customer purchase order for additional units of said product in accordance with said forecast (see col.64, lines 26-29).

Re Claim 9: Dvorak discloses further comprising monitoring customer inventory via a WAN connection (see Figure 1, see col.4, lines 20-23).

Response to Arguments

3. Applicant's arguments filed 12/19/2007 have been fully considered but they are not persuasive. The additional limitation (that was claim 8 before) that is added to independent claim 1 is found in Huang as it discusses testing the equipment.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Fawaad Haider
Examiner
Art Unit 3627

FIH

